UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,376	12/04/2001	Andrew Thomas	B-4410 619360-7	7022

7590   07/11/2005

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EXAMINER
SAIN, GAUTAM

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *28 April 2005*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-40* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1)   · The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

1-1)   Claims 1, 2, 5, 6, 7, 9, 10, 11, 12, 15, 16, 17, 19, 20, 21, 22, 25, 26, 27, 29, 30,

31, 32, 35, 36, 37, 39, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable

over <u>Neilsen</u> (US 5903727, issued May 1999), in view of <u>Dodrill</u> et al (US 6643621,

filed Sep 2000), further in view of Russian Language Tutorial (NonPatent

Literature table adopted from the Berlitz Russian Phrase Book, published

1998)(hereinafter "<u>RLT</u>") .

Claim 1, 11, 21, 31, Neilsen teaches

 characters of the URL are mapped to sound features in a sotmd output (ie., URL with

audio file for sound elements)(col 3, line 60 – col 4, 10), the nature of the sotmd

features (ie., sound attribute associated with audio file)(col 2, lines 5-20) and

Neilsen does not expressly teach, but Dodrill teaches

In a mapping block, electronically mapping the subset of characters of the URL to

sound features in a sound output, so that at least certain character combinations that

occur frequently are in URLs (ie., incorporate music ... embedded URL)(col 2, line 12).

Neilsen in view of Dodrill do not teach, but RLT does teach

Receiving a URL comprised of a sequence of character subsets; ... are mapped to ...;

and outputting the sound feature (ie., see screenshots 1, 2 that show a language tutorial

when the selection pointer clicks on a Russian Letter, plays the audio sound of that

letter by mapping to a unique URL for each letter. In this case, compare the URL at the

bottom status window of page 1 and 2 to see the difference of a subset of characters of

the URL that change upon selection of different letters; see also the "NOTE" at the

bottom of the page that says that a voice is heard for a pronunciation for the letter

selected which the Examiner interprets as a sound associated with the URL link for

each letter)(additionally, Examiner broadly interprets 'musical' as any sound since music

is merely sound).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify Neilsen to include music with embedded URL as taught by Dodrill, providing

the benefit of incorporating multiple embedded URL references to different audio files

within the same web page (Dodrill, col 3, lines 15-20), further to include the mapping of

a different URL address to unique alphabetical sound codes as taught by RTL,

providing the benefit of being able to click on any row for which a user would like to hear

the Russian pronunciation (see RTL, page 3).

Claim 2, 12, 22, 32, Neilsen does not expressly teach, but Dodrill teaches

wherein the characters of the URL are mapped to produce sound codewords each of

which is used to produce, in a sound output, a sound feattlre corresponding to that

codeword (ie., URL that references audio data ... URLs are detected. Obvious that

detector characters and references audio with the URL detection (col 18, lines 31-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify Neilsen to include URL that references audio data ... where URLs are

detected as taught by Dodrill, providing the benefit of incorporating multiple embedded

URL references to different audio files within the same web page (Dodrill, col 3, lines

15-20).

Claim 5, 15, 25, 35, Neilsen does not expressly teach, but Dodrill teaches

wherein the sound features comprise changes in output frequency (ie., output frequency

will vary with a mix of voice audio over music audio data)(col 23, lines 55-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify Neilsen to include output frequency varying with a mix of voice audio over

music audio data as taught by Dodrill, providing the benefit of incorporating multiple

embedded URL references to different audio files within the same web page (Dodrill, col

3, lines 15-20).

Claim 6, 16, 26, 36, Neilson does not expressly teach, but Dodrill teaches

wherein the modulation frequencies of one or more tones sound features comprise

different (ie., mix of audio voice data over a music data reference)(col 23, lines 55-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify Neilsen to include a mix of audio voice data over a music data reference as

taught by Dodrill, providing the benefit of incorporating multiple embedded URL

references to different audio files within the same web page (Dodrill, col 3, lines 15-20).

Claims 7, 17, 27, 37, Neilson teaches

wherein characters of the IJRL are taken in groups of a first ntlmber of characters to

form a second number of sound codewords, said second ntlmber being different âom

said first number (ie., 'sound1', a second page 'sound2' in database memory

locations)(col 5, lines 40-60).

Claims 9, 19, 29, 39, Neilson does not expressly teach, but Dodrill teaches

wherein the generic top-level domain names encode to sound sequences of a musical

character (ie., incorporate music ... embedded URL)(col 2, line 12).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify Neilsen to include music with embedded URL as taught by Dodrill, providing

the benefit of incorporating multiple embedded URL references to different audio files

within the same web page (Dodrill, col 3, lines 15-20).

Claims 10, 20, 30, 40, Neilson does not expressly teach, but Dodrill teaches

wherein at least one URL encodes in its entirety to a sound sequence of a musical

character (ie., incorporate music ... embedded URL)(col 2, line 12).

It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify Neilsen to include music with embedded URL as taught by Dodrill, providing

the benefit of incorporating multiple embedded URL references to different audio files

within the same web page (Dodrill, col 3, lines 15-20).

1-2)   Claims 3, 4, 8, 13, 14, 18, 23, 24, 28, 33, 34, 38 are rejected under 35 U.S.C.

103(a) as being unpatentable over Neilsen (as cited above), in view of Dodrill et al

(as cited above) and RLT (as cited above), further in view of Milsted et al (US

6263313, filed Nov 1998).

Claims 3, 13, 23, 33, Neilsen in view of Dodrill and RLT does not expressly teach, but

Milstead teaches wherein the sound features comprise fixed-frequency tones or tone

combinations (ie., frequency equalization ... amplitude dynamic adjustment)(col 22,

lines 38-34).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Neilsen in view of Dodrill to include a frequency

equalization/amplitude dynamic adjustment as taught by Milstead, providing the benefit

of a method of automatically selecting processing parameters for encoding digital

content (Milstead, Abstract section).

Claims 4, 14, 24, 34, Neilsen in view of Dodrill does not expressly teach, but Milstead

wherein the sound features compdse occurrence of maximum sound output power in

predetermined frequency bands (ie., preprocessing determination for frequency ranges

(min, max).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Neilsen in view of Dodrill to include a frequency

equalization/amplitude dynamic adjustment as taught by Milstead, providing the benefit

of a method of automatically selecting processing parameters for encoding digital

content (Milstead, Abstract section).

Claims 8, 18, 28, 38, Neilsen in view of Dodrill and RLT does not expressly teach, but

Milstead

wherein three characters each represented by eight bits are used to form four six-bit

sound codewords (ie., compression using desired bit rate to get the low bit rates (LBR),

the reference suggests to achieve the lowest possible bit rates, whre going from 8 bits

to six bits would have been an obvious manifestation at this concept and an

implementation choice of the systems designer as expressing with both bit rates was

commonly known in the art with generally available processors).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Neilsen in view of Dodrill to include compression using desired bit

rates to get low bit rates as taught by Milstead, providing the benefit of a method of

automatically selecting processing parameters for encoding digital content (Milstead,

Abstract section).

Response to Arguments

Applicant's arguments filed 4/28/05 have been fully considered but they are not

persuasive. The thrust of Applicant's arguments deal with the claims as amended and

are still deemed unpersuasive because the Examiner rejects the amended claims with

the RLT Nonpatent literature reference (see rejection above) in conjunction with the

prior rejections. Specifically, the introduction of the RLT reference in conjunction with

the prior asserted references teaches the claimed invention.

Applicant also introduces a Related Patent Application, "Osaku" on page 11 and

12. Examiner respectfully thanks the Applicant for the reference introduction, however,

suggests introducing the reference in a formal Information Disclosure Statement for

appropriate consideration as well as possibly amending the specification.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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GS

WILLIAM BASHORE
PRIMARY EXAMINER
7/7/2005